

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 16, 2024

No. 24-1113 (and consolidated cases)

**UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT**

TIKTOK INC. AND BYTEDANCE LTD.,
Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,
Respondent.

consolidated with

caption continued on inside cover

On Petitions for Review of Constitutionality of
the Protecting Americans from Foreign
Adversary Controlled Applications Act

**NOTICE OF INTENT OF FORMER NATIONAL SECURITY
OFFICIALS TO FILE AN AMICUS BRIEF IN SUPPORT OF
RESPONDENT**

Thomas R. McCarthy
Kathleen S. Lane
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com
katie@consovoymccarthy.com

August 2, 2024

Counsel for Amicus Curiae

BRIAN FIREBAUGH, CHLOE JOY SEXTON, TALIA CADET, TIMOTHY
MARTIN, KIERA SPANN, PAUL TRAN, CHRISTOPHER TOWNSEND, and
STEVEN KING

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,

Respondent.

BASED POLITICS INC.

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,

Respondent.

NOTICE OF INTENT TO FILE AMICUS BRIEF

Pursuant to Fed. R. App. 29(a), D.C. Circuit Rule 29(b), former national security officials represent that they intend to participate in this case as amici curiae. Amici are identified in Appendix A.

Amici have served at the highest levels of government, in national security, intelligence, and foreign policy roles. They have served under different administrations, for leaders of different political parties, during different global conflicts, and have different foreign policy concerns. Despite their differences, amici have all served with a common goal and purpose: securing this Nation and protecting it from foreign threats. TikTok presents one such critical foreign threat. As former government officials and as national security experts, amici have a strong interest in ensuring that the Court understands and appreciates the national security interests at stake in this litigation.

Amici are filing this brief to address the national security concerns surrounding TikTok, ByteDance, and those entities' ties to a foreign adversary—the Chinese Communist Party. Petitioners in each of the consolidated cases and Respondent have consented to the filing of this brief.

This notice is timely filed under D.C. Circuit Rule 29(b). Amicus intends to file its brief no later than August 2, 2024, in accordance with D.C. Circuit Rule 29(c). In addition, pursuant to D.C. Circuit Rule 29(d), amicus has worked to consolidate its arguments into a single brief. Amicus has also coordinated with other amici to ensure that there is no overlap in the issues raised, to the greatest extent possible.

CERTIFICATE OF COMPLIANCE

I hereby certify that on August 2, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by CM/ECF.

Dated: August 2, 2024

/s/ Thomas R. McCarthy

Thomas R. McCarthy

APPENDIX A: LIST OF AMICI CURIAE

The Hon. Michael B. Mukasey

Former Attorney General of the United States

Former Judge, United States District Court for the Southern District of New York

The Hon. Jeff Sessions

Former Attorney General of the United States

Former United States Senator

The Hon. Chris Inglis

Former National Cyber Director, The White House

Former Deputy Director, National Security Agency

The Hon. Christopher A. Ford

Former Assistant Secretary of State for International Security & Non-proliferation, United States Department of State

Former Senior Director for Weapons of Mass Destruction & Counterproliferation, National Security Council, The White House

The Hon. Michelle Van Cleave

Former National Counterintelligence Executive, Office of the Director of National Intelligence

Former General Counsel and Assistant Director, Office of Science and Technology Policy, The White House

The Hon. William Evanina

Former Director, National Counterintelligence and Security Center

Gus P. Coldebella

Former General Counsel (acting), United States Department of Homeland Security

Margaret M. Peterlin

Former Chief of Staff to the Secretary of State, United States Department of State

Former National Security Advisor to the Speaker of the House, United States House of Representatives

Vice Admiral (Ret.) Mike LeFever

Former Director of Strategic Operational Planning, National Counterterrorism Center, Office of the Director of National Intelligence

Former Commander of the Office of Defense Representative in Pakistan & Commander of the Joint Task Force in Pakistan

Norman T. Roule

Former National Intelligence Manager for Iran, Office of the Director of National Intelligence

Former Division Chief, Central Intelligence Agency

Dr. Lenora P. Gant

Former Assistant Deputy Director of National Intelligence for Human Capital, Office of the Director of National Intelligence

Former Senior Executive for Academic Outreach and Science, Technology, Engineering, and Mathematics & Senior Advisor to the Research Directorate, National Geospatial-Intelligence Agency

Paula Doyle

Former Associate Deputy Director for Operations Technology, Central Intelligence Agency

Former Deputy National Counterintelligence Executive, Office of the Director of National Intelligence

Teresa H. Shea

Former Signals Intelligence Director, National Security Agency

Michael Geffroy

Former General Counsel, Senate Select Committee on Intelligence, United States Senate

Former Deputy Chief of Staff and Chief Counsel, Committee on Homeland Security, United States House of Representatives

Geof Kahn

Former Senior Advisor to the Director of Central Intelligence, Central Intelligence Agency

Former Policy Director & CIA Program Monitor, House Permanent Select Committee on Intelligence, United States House of Representatives

Jamil N. Jaffer

Former Chief Counsel & Senior Advisor, Senate Foreign Relations Committee, United States Senate

Former Associate Counsel to President George W. Bush, The White House

Rick "Ozzie" Nelson

Former Director, Joint Interagency Task Force, Joint Special Operations Command

Former Group Chief, National Counterterrorism Center

Andrew Borene

Former Senior Officer, Office of the Director of National Intelligence

Former Associate Deputy General Counsel, Department of Defense

Edward Fishman

Former Member, Policy Planning Staff, Office of the Secretary of State, United States Department of State

Former Russia and Europe Sanctions Lead, United States Department of State